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C O N F I D E N T I A L SECTION 01 OF 04 PORT AU PRINCE 000511

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SUBJECT: HAITI: ELECTORAL COUNCIL ANNOUNCES APPEAL  
DECISIONS, FINAL RESULTS FOR FIRST ROUND OF SENATE ELECTIONS

REF: A. PORT AU PRINCE 419

[1](#)B. PORT AU PRINCE 474

Classified By: Amb. Janet A. Sanderson for reasons 1.4 (b) and (d)

[1](#)1. (SBU) Summary: Haiti's electoral authority announced May 22 the results of ten appeals filed by candidates disputing the provisional results of the April 19 partial Senate elections (reftels). Appeals panels threw out several thousand votes in the Artibonite, West, and North departments based on strong indications that five candidates -- including three from the pro-government Lespwa coalition -- benefited from ballot-stuffing and other irregularities in various communes. These rulings took account of the major complaints raised by domestic election observers and human rights NGOs. With the first round results now final, the candidates certified to compete in the June 21 final round of the elections for 11 vacant Senate seats include 8 candidates from Lespwa, 5 from the Struggling People's Organization (OPL), and 3 from the Fusion of Haitian Social Democrats. In two cases, appeals lodged by losing candidates succeeded in disqualifying their rivals from the second round of voting.

[1](#)2. (C) Summary continued: The electoral authority has said it will not announce a new date for the first round elections in the Central Plateau, where incidents of violence and ballot box theft led to a suspension of voting in that department, until the culprits behind those incidents are identified. Some prominent legislators and political party leaders, citing low voter turnout and suspicions of fraud, suggest that the Senate may vote not to accept the newly elected senators. The senators are unlikely to make good on their threat, but will certainly use it to press Haiti's political leaders to redouble their efforts to combat fraud and malfeasance during the second round of voting on June 21. Campaigning for the second round officially began May 26. End summary.

THOUSANDS OF VOTES THROWN OUT IN THREE DEPARTMENTS  
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[1](#)3. (C) The Provisional Electoral Council (CEP) announced May 22 the results of ten appeals filed by candidates who contested the provisional results of the April 19 balloting to fill 11 vacant Senate seats. In the North, Jean Charles Moise, the candidate representing the pro-government Lespwa coalition, saw over twelve thousand votes erased from his column. The National Bureau of Electoral Appeals (BCEN), holding that the anomalously high turnout recorded in the

commune of Milot was contradicted by the reports of observers and poll workers, excluded the results from suspect polling stations from the final tally. This decision overturned a ruling by the North Department's Electoral Appeals Bureau, which had granted Moise a first-round victory after Moise appealed the initial result that gave him just under 50 percent (ref B). (Note: According to the CEP's provisional results, over 95 percent of ballots cast in Milot were for Moise. Although the BCEN decision cites a provisional turnout of 85 percent in Milot -- compared to 11 percent nationwide -- an NDI report found that the number of ballots cast exceeded the number of registered voters in the commune.

Decisions of the BCEN, an entity of the CEP, are not subject to appeal under Haitian law. End note.)

¶4. (SBU) The same BCEN decision that cancelled thousands of Moise votes in the North also cancelled over 4,500 votes for Jean-Rene Jacques Laguerre, a candidate from the small MODELH-PRDH party who originally came in second, and whose energetic ballot-stuffing efforts did not go undetected by the CEP. Citing ''serious incidents'' at the National Mixed School of Acul du Nord where, according to the BCEN, poll workers and party observers were chased away by unidentified men spraying a noxious chemical, the panel annulled the results from three voting centers in the commune. As a result, Moise will compete against Fusion candidate Marie Giselhaine Monpremier rather than Laguerre in the second round.

¶5. (SBU) In the Artibonite, where allegations of irregularities on election day were numerous, Lespwa

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candidate Paul Andre Garconnet lost his place in the second round due to allegations of ballot-stuffing. The BCEN upheld a decision by a lower panel excluding results from three voting centers in Verrettes, allowing Francois Fouchard Bergrome from Youri Latortue's Haiti in Action (AAA) party to advance into the second round of voting. The same decision cancelled the votes of OPL candidate Francois Anick Joseph in two voting centers in Petite Riviere, although Joseph still had sufficient votes remaining to qualify for the second round.

¶6. (SBU) Perhaps no race was as closely watched as that in the West department, where former Lavalas militant Joel Joseph John from the Lespwa coalition turned in an impressive performance April 19. In response to an appeal by Fusion candidate Marie Denise Claude, the BCEN reviewed voter lists in disputed polling stations and found significant irregularities in some. In one polling station in a school in Fond Verrettes, for instance, the voter list from April 19 held 5 signatures and 36 marks by illiterate voters, but the official results sheet gave John 111 votes. Proceeding in this way, the BCEN found that 2,461 of John's 13,169 votes came from polling stations with anomalously high voter participation and near-uniform support for the Lespwa candidate. Claude's appeal, although partially accepted, was not enough to change the results. Even with these votes disqualified, John held a commanding lead over Union's Mario Viau, his opponent in the upcoming second round.

¶7. (SBU) In decisions concerning the Northwest, Nippes, and South departments, the BCEN either rejected allegations of fraud, dismissed the appeal as untimely, or held that the allegations made by the appellant did not materially affect the final results. In addition, 8 cases heard by the panels of first instance, the Departmental Bureaus of Electoral Appeals (BCEDs), were apparently not appealed by the losing parties.

¶8. (SBU) The final results of the April 19 balloting left the pro-government Lespwa coalition as the clear front-runner. Lespwa currently holds 6 of the Senate's 18 currently-occupied seats, and 8 of its candidates will compete for the 11 seats in play for the June 21 second round

of voting. The Struggling People's Organization (OPL) and the Fusion of Haitian Social Democrats, both moderate critics of President Rene Preval, will send 5 and 3 candidates to the second round, respectively. Two candidates will represent Youri Latortue's Haiti in Action (AAA) party, and Union, UCADDE, and Konba will each field one candidate. One candidate, Michelet Louis (Artibonite), is independent.

#### PARTY LEADERS CRITICIZE ELECTION PROCESS

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¶9. (C) Leaders of the main opposition parties expressed frustration with the irregularities of the first round and the government's dilatory approach to campaign financing. Fusion's president, Victor Benoit, told Polcouns May 14 that pro-Preval candidates had engaged in widespread fraud and that the events in the Central Plateau, where supporters of UCADDE candidate Willot Joseph ''started stuffing ballots at 5am on election day,'' were a ''scandal.'' The CEP had facilitated such fraud, he said, by printing voters' ID numbers on each polling station's voter list contrary to the electoral law. Since potential malefactors were not obliged to supply the missing ID number when signing for a ballot, one person could sign for several ballots without having access to the voters' ID cards. Responding to a question on rumors that the Senate may vote to reject newly elected senators on the grounds that the elections lacked legitimacy, Benoit said that if the second round is conducted fairly, there should be no problem. If, however, the voting in the second round is as problematic as the first, some senators were likely to carry out their threat to vote against the validation of the new senators' powers. (Note: The 1987 constitution requires that each chamber of Parliament vote to confirm newly elected members of that chamber. End note.)

¶10. (C) Benoit said he remained suspicious of President Preval's motives, and doubted his commitment to transparent

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financing of the various parties' electoral campaigns. The day before Secretary Clinton's April 16 visit to Haiti, Benoit said, Preval invited party leaders to the Palace and told them the Secretary's visit -- and her lunch at the National Palace with political party leaders -- was not the time to air Haiti's internal grievances. In response, Benoit asked whether the funding for Senate candidates mandated by the 2008 Electoral Law would be made available to the political parties. Preval said he would review the question, and two days after the Secretary's visit, party leaders were told that checks for HTG 100,000 (about USD 2,500) per candidate were ready.

¶11. (C) During a May 19 meeting with Polcouns, OPL leader Edgard Leblanc Fils, despite his party's relatively strong showing, was critical of the Haitian government's conduct of the elections. He recalled OPL's long-expressed doubts regarding the independence of the CEP, although he said the elections were well organized from a technical point of view. The National Palace sometimes intervened on behalf of its favored candidates, according to Leblanc. OPL activists had witnessed employees and vehicles from five ministries involved in partisan electoral activities, he said, and key ministries doled out project monies to favored candidates in the run-up to the elections.

¶12. (C) Leblanc also criticized President Preval and the Lespwa coalition for tilting the playing field in their favor. OPL and Fusion, he said, were the only parties to submit formal requests for party financing in conformity with the electoral law, but they had received no formal response. OPL had not been among the parties to benefit from President Preval's largesse after Secretary Clinton's visit, he added, and he would not have taken the money had he been offered it. As a tactical move to encourage the authorities to administer the elections impartially, some senators were threatening not to recognize the results of the elections.

This was not an ideal strategy, he said, but ''in a political battle you fight with the weapons you have.'' In the end, the pressure to vote in favor of validating the election results will be enormous, but the threat may extract some worthwhile concessions from the government.

#### ELECTORAL COUNCIL PREPARES FOR THE SECOND ROUND

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¶13. (U) With the official results of the first round proclaimed, attention shifted to preparations for the second round. Campaigning for the second round officially began May 26, although we have seen little campaign activity thus far. Over 8,000 packets of electoral supplies for the second round arrived in Haiti from Mexico on May 25, according to CEP spokesman Frantz Bernardin, and electoral lists are now available in the communal electoral offices. Bernardin added that the CEP would undertake a strong voter education effort to boost voter participation in the second round. The CEP has still not announced a date to re-run the elections in the Center department, where voting was suspended on April 19 after partisans of candidate Willot Joseph are accused of shooting a poll worker and running off with ballot boxes.

¶14. (SBU) The CEP is already working to prevent the recurrence of problems from the first round that led to fraud and low turnout. They have conducted a study, with assistance from the OAS, of voting center locations and have moved some for security or logistical reasons. The CEP is encouraging voters to check new lists posted in the communes to see whether the location of their polling place has changed. In addition, the CEP has acted to ensure that voter ID numbers -- whose inclusion on voter lists in the first round sparked criticism -- are not included on the second round lists. Officials have already said that, unlike during the first round, public transport will probably not be banned for the second round of voting.

#### COMMENT

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¶15. (C) The CEP's acknowledgement that ballot-stuffing and other irregularities marred the first round of voting in some

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areas is an important first step, which acted on the most serious accusations of fraud raised not only by aggrieved candidates but also by Haiti's major election observation groups and human rights NGOs. Nevertheless, those actually responsible for the acts identified or alleged in the appeals panel decisions have not been brought to justice. The candidates implicated -- including three from the pro-government Lespwa coalition -- have in most cases not bothered to mount a detailed refutation of the allegations. In the Central Plateau, where the worst incidents took place, we have little indication how far the CEP's inquiry has progressed. The most important issue ahead is what steps the government and the CEP will take to ensure that the second round takes place June 21 in a calm and secure environment, free from serious irregularities.

SANDERSON